



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0839/P1
PJH:eev:rs

Stays

DOA:.....Wavrunek, BB0309 - Restructure Programs at the Office of Justice Assistance

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

1-30-13

1 AN ACT ^{cont gen} relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

^{Inset Analysis 1}
^{Inset Analysis 2}
Under current law, the Office of Justice Assistance (OJA) within the DOA operates several programs and administers several grants related to law enforcement, criminal justice, juvenile justice and child advocacy services, community corrections, crime prevention, rehabilitation and alternatives to incarceration, crime data collection and analysis, and homeland security.

The bill eliminates the OJA and transfers its functions to DOJ, except that the programs and appropriations related to reintegrating American Indians who have been incarcerated are transferred to DOC, and the programs and appropriations related to homeland security are transferred to DMA.

The bill requires DOJ to reduce certain allocations related to grants aimed at diverting youth from criminal activity in fiscal years 2013-14 and 2014-15.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

except those related to interoperable communications

1 **SECTION 1.** 15.01 (6) of the statutes is amended to read:

2 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
3 department or an independent agency, whether specifically created by law or created
4 by the head of the department or the independent agency for the more economic and
5 efficient administration and operation of the programs assigned to the department
6 or independent agency. The office of ~~justice assistance in the department of~~
7 ~~administration and the office of~~ credit unions in the department of financial
8 institutions ~~have~~ has the meaning of "division" under this subsection. The office of
9 the long-term care ombudsman under the board on aging and long-term care and
10 the office of educational accountability in the department of public instruction have
11 the meaning of "bureau" under this subsection.

12 **SECTION 2.** 15.02 (3) (c) 1. of the statutes is amended to read:

13 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each
14 division shall be headed by an "administrator". The office of ~~justice assistance in the~~
15 ~~department of administration and the office of~~ credit unions in the department of
16 financial institutions ~~have~~ has the meaning of "division" and the ~~executive staff~~
17 ~~director of the office of justice assistance in the department of administration and the~~
18 director of credit unions ~~have~~ has the meaning of "administrator" under this
19 subdivision.

20 **SECTION 3.** 15.105 (19) of the statutes is repealed.

21 **SECTION 4.** 15.107 (18) (b) 1. of the statutes is amended to read:

22 15.107 (18) (b) 1. The ~~executive director of the office of justice assistance~~
23 attorney general, the adjutant general, the secretary of natural resources, the
24 secretary of transportation, and a representative from the department of
25 administration with knowledge of information technology, or their designees.

Insert 3.2

1 SECTION 5. 15.255 (1) (a) (intro.) of the statutes is amended to read:

2 15.255 (1) (a) (intro.) The board shall be composed of 15 14 members as follows:

3 SECTION 6. 15.255 (1) (a) 7. of the statutes is repealed.

4 SECTION 7. 16.75 (1) (a) 1. of the statutes is amended to read:

5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any
7 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
8 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754,
9 ~~16.964 (8)~~, 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to
10 the lowest responsible bidder, taking into consideration life cycle cost estimates
11 under sub. (1m), when appropriate, the location of the agency, the quantities of the
12 articles to be supplied, their conformity with the specifications, and the purposes for
13 which they are required and the date of delivery.

14 SECTION 8. 16.964 (title) of the statutes is repealed.

15 SECTION 9. 16.964 (1g) of the statutes is repealed.

16 SECTION 10. 16.964 (1m) (intro.) of the statutes is repealed.

17 SECTION 11. 16.964 (1m) (a) and (b) of the statutes are consolidated,
18 renumbered 165.25 (13) and amended to read:

19 165.25 (13) JUVENILE JUSTICE IMPROVEMENT PLAN. Serve as the state planning
20 agency under the juvenile justice and delinquency prevention act of 1974, P.L.
21 93-415. ~~(b) Prepare~~ The department shall prepare a state comprehensive juvenile
22 justice improvement plan ~~on behalf of the governor~~. The plan shall be submitted to
23 the governor, the joint committee on finance in accordance with s. 16.54, and to the
24 appropriate standing committees of each house of the legislature as determined by

the presiding officer of each house. The plan shall be updated periodically and shall be based on an analysis of the state's juvenile justice needs and problems.

SECTION 12. 16.964 (1m) (c) of the statutes is repealed.

SECTION 13. 16.964 (1m) (d) of the statutes is renumbered 165.25 (14) and amended to read:

165.25 (14) COOPERATION AND ASSISTANCE. Cooperate with and render technical assistance to state agencies and units of local government and public or private agencies relating to the criminal and juvenile justice system.

SECTION 14. 16.964 (1m) (e) of the statutes is renumbered 165.25 (15) and amended to read:

165.25 (15) CONTRACTS AND EXPENDITURES. Apply for contracts or receive and expend for its purposes any appropriation or grant from the state, a political subdivision of the state, the federal government or any other source, public or private, in accordance with the statutes.

SECTION 15. 16.964 (1m) (f) of the statutes is renumbered 165.25 (16) and amended to read:

165.25 (16) DATA AND ANALYSIS. Maintain a statistical analysis center to serve as a clearing house of justice system data and information and conduct justice system research and data analysis under this section.

SECTION 16. 16.964 (1m) (g) of the statutes is renumbered 165.845 (1) (a) and amended to read:

165.845 (1) (a) Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as may be useful in the study of crime and the administration of justice. The office department of justice may determine any other information to be obtained regarding

1 crime and justice system statistics. The information shall include data requested by
2 the federal bureau of investigation under its system of uniform crime reports for the
3 United States.

4 SECTION 17. 16.964 (1m) (h) of the statutes is renumbered 165.845 (1) (b) and
5 amended to read:

6 165.845 (1) (b) Furnish all reporting officials with forms or instructions or both
7 that specify the nature of the information required under par. (g) (a), the time it is
8 to be forwarded, the method of classifying and any other matters that facilitate
9 collection and compilation.

10 SECTION 18. 16.964 (1m) (i) of the statutes is renumbered 321.03 (1) (e).

11 SECTION 19. 16.964 (2) of the statutes is renumbered 165.845 (2) and amended
12 to read:

13 165.845 (2) All persons in charge of law enforcement agencies and other
14 criminal and juvenile justice system agencies shall supply the office department of
15 justice with the information described in sub. (1m) (g) (1) (a) on the basis of the forms
16 or instructions or both to be supplied by the office department under sub. (1m) (g) (1)

17 (a) ~~score~~
~~period~~

18 SECTION 20. 16.964 (3) of the statutes is repealed.

19 SECTION 21. 16.964 (5) of the statutes is renumbered 165.986, and 165.986 (1),
20 (2), (3) (intro.), (4) and (6), as renumbered, are amended to read:

21 165.986 (1) The office department shall provide grants from the appropriation
22 under s. ~~20.505 (6) (kb)~~ 20.455 (2) (kb) to cities to employ additional uniformed law
23 enforcement officers whose primary duty is beat patrolling. A city is eligible for a
24 grant under this ~~subsection~~ section in fiscal year 1994-95 if the city has a population
25 of 25,000 or more. A city may receive a grant for a calendar year if the city applies

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of justice

1 for a grant before September 1 of the preceding calendar year. Grants shall be
2 awarded to the 10 eligible cities submitting an application for a grant that have the
3 highest rates of violent crime index offenses in the most recent full calendar year for
4 which data is available under the uniform crime reporting system of the federal
5 bureau of investigation.

6 (2) A city applying to the office department for a grant under this ~~subsection~~
7 section shall include a proposed plan of expenditure of the grant moneys. The grant
8 moneys that a city receives under this ~~subsection~~ section may be used for salary and
9 fringe benefits only. Except as provided in ~~par. (e)~~ sub. (3), the positions for which
10 funding is sought must be created on or after April 21, 1994, and result in a net
11 increase in the number of uniformed law enforcement officers assigned to beat patrol
12 duties.

13 (3) (intro.) During the first 6 months of the first year of a grant, a city may, with
14 the approval of the office department, use part of the grant for the payment of salary
15 and fringe benefits for overtime provided by uniformed law enforcement officers
16 whose primary duty is beat patrolling. A city may submit a request to the office
17 department for a 3-month extension of the use of the grant for the payment of
18 overtime costs. To be eligible to use part of the first year's grant for overtime costs,
19 the city shall provide the office department with all of the following:

20 (4) The office department shall develop criteria which, notwithstanding s.
21 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining
22 the amount to grant to cities under this ~~subsection~~ section. The office department
23 may not award an annual grant in excess of \$150,000 to any city. The office
24 department shall review any application and plan submitted under ~~par. (b)~~ sub. (2)
25 to determine if that application and plan meet the requirements of this ~~subsection~~

1 section. The grant that a city receives under this ~~subsection~~ section may not
2 supplant existing local resources.

3 (6) The ~~office~~ department may make grants to additional cities with a
4 population of 25,000 or more after fiscal year 1994-95. Eligibility for grants under
5 this ~~paragraph~~ subsection shall be determined and allocations made as provided in
6 this ~~subsection~~ section.

7 SECTION 22. 16.964 (8) of the statutes is renumbered 165.987, and 165.987 (1),
8 (2) and (3), as renumbered, are amended to read:

9 165.987 (1) From the appropriations under s. ~~20.505 (6) (d) and (kj)~~ 20.455 (2)
10 (cr) and (kj), the ~~office~~ department of justice shall allocate \$500,000 in each fiscal
11 year to enter into a contract with an organization to provide services in a county
12 having a population of 500,000 or more for the diversion of youths from gang
13 activities into productive activities, including placement in appropriate educational,
14 recreational, and employment programs. Notwithstanding s. 16.75, the ~~office~~
15 department may enter into a contract under this ~~paragraph~~ subsection without
16 soliciting bids or proposals and without accepting the lowest responsible bid or offer.

17 (2) From the appropriation under s. ~~20.505 (6) (km)~~ 20.455 (2) (k), the ~~office~~
18 department of justice may not distribute more than \$300,000 in each fiscal year to
19 the organization that it has contracted with under ~~par. (a)~~ sub. (1) for alcohol and
20 other drug abuse education and treatment services for participants in that
21 organization's youth diversion program.

22 (3) From the appropriations under s. ~~20.505 (6) (d) and (kj)~~ 20.455 (2) (cr) and
23 (kj) the ~~office~~ department of justice shall allocate \$150,000 in each fiscal year to enter
24 into a contract with an organization to provide services in Racine County, \$150,000
25 in each fiscal year to enter into a contract with an organization to provide services

1 in Kenosha County, \$150,000 in each fiscal year to enter into a contract with an
2 organization that is located in ward 2 in the city of Racine to provide services in
3 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
4 organization to provide services in Brown County, and from the appropriation under
5 s. ~~20.505 (6) (kj)~~ 20.455 (2) (kj), the department shall allocate \$100,000 in each fiscal
6 year to enter into a contract with an organization, for the diversion of youths from
7 gang activities into productive activities, including placement in appropriate
8 educational, recreational, and employment programs, and for alcohol or other drug
9 abuse education and treatment services for participants in that organization's youth
10 diversion program. The organization that is located in ward 2 in the city of Racine
11 shall have a recreational facility, shall offer programs to divert youths from gang
12 activities, may not be affiliated with any national or state association, and may not
13 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
14 16.75, the ~~office~~ department may enter into a contract under this ~~paragraph~~
15 subsection without soliciting bids or proposals and without accepting the lowest
16 responsible bid or offer.

17 **SECTION 23.** 16.964 (11) of the statutes is repealed. (a) to (j)

18 **SECTION 24.** 16.964 (12) of the statutes is renumbered 165.95, and 165.95 (1)
19 (intro.), (2), (2r), (3) (intro.) and (k), (4), (5), (5m) (intro.), (6), (7), (7m), (8), (9), (10)
20 and (11), as renumbered, are amended to read: are and

21 165.95 (1) (intro.) In this ~~subsection~~ section, "violent offender" means a person
22 to whom one of the following applies:

23 (2) The ~~office~~ department of justice shall make grants to counties to enable
24 them to establish and operate programs, including suspended and deferred
25 prosecution programs and programs based on principles of restorative justice, that

1 provide alternatives to prosecution and incarceration for criminal offenders who
2 abuse alcohol or other drugs. The office department of justice shall make the grants
3 from the appropriations under s. ~~20.505 (6) (b), (kn), and (ku)~~ 20.455 (2) (em), (kn),
4 and (kv). The office department of justice shall collaborate with the departments of
5 corrections and health and family services in establishing this grant program.

6 (2r) Any county that receives a grant under this ~~subsection~~ section on or after
7 January 1, 2012, shall provide matching funds that are equal to 25 percent of the
8 amount of the grant.

9 (3) (intro.) A county shall be eligible for a grant under ~~par. (b)~~ sub. (2) if all of
10 the following apply:

11 (k) The county complies with other eligibility requirements established by the
12 office department of justice to promote the objectives listed in ~~subds. 1. and 2~~ pars.
13 (a) and (b).

14 (4) In implementing a program that meets the requirements of ~~par. (e)~~ sub. (3),
15 a county department may contract with or award grants to a religious organization
16 under s. 59.54 (27).

17 (5) (a) A county that receives a grant under this ~~subsection~~ section shall create
18 an oversight committee to advise the county in administering and evaluating its
19 program. Each committee shall consist of a circuit court judge, the district attorney
20 or his or her designee, the state public defender or his or her designee, a local law
21 enforcement official, a representative of the county, a representative of each other
22 county agency responsible for providing social services, including services relating
23 to child welfare, mental health, and the Wisconsin Works program, representatives
24 of the departments of corrections and health and family services, a representative

1 from private social services agencies, a representative of substance abuse treatment
2 providers, and other members to be determined by the county.

3 (b) A county that receives a grant under this ~~subsection~~ section shall comply
4 with state audits and shall submit an annual report to the ~~office~~ department of
5 justice and to the oversight committee created under ~~subd. 1, par. (a)~~ regarding the
6 impact of the program on jail and prison populations and its progress in attaining
7 the goals specified in ~~par. (c) 2. and 6~~ sub. (3) (b) and (f).

8 (5m) (intro.) In a program funded by a grant under this ~~subsection~~ section, if
9 urine collection for the purposes of a drug test results in the exposure of a program
10 participant's genitals, pubic area, buttock or anus, all of the following must apply:

11 (6) Two or more counties may jointly apply for and receive a grant under this
12 ~~subsection~~ section. If counties submit a joint application, they shall include with
13 their application a written agreement specifying each county department's role in
14 developing, administering, and evaluating the program. The oversight committee
15 established under ~~par. (c) 1, sub. (5) (a)~~ shall consist of representatives from each
16 county.

17 (7) Grants provided under this ~~subsection~~ section shall be provided on a
18 calendar year basis beginning on January 1, 2007. If the ~~office~~ department of justice
19 decides to make a grant to a county under this ~~subsection~~ section, the ~~office~~
20 department of justice shall notify the county of its decision and the amount of the
21 grant no later than September 1 of the year preceding the year for which the grant
22 will be made.

23 (7m) Beginning in fiscal year 2012-13, the ~~office~~ department of justice shall,
24 every 5 years, make grants under this ~~subsection~~ section available to any county on
25 a competitive basis. A county may apply for a grant under this ~~paragraph~~ subsection

1 regardless of whether the county has received a grant previously under this
2 subsection section.

3 (8) The office department of justice shall assist a county receiving a grant under
4 this subsection section in obtaining funding from other sources for its program.

5 (9) The office department of justice shall inform any county that is applying for
6 a grant under this subsection section whether the county meets the requirements
7 established under ~~par. (e)~~ sub. (3), regardless of whether the county receives a grant.

8 (10) The office department of justice shall ~~enter into one or more contracts with~~
9 ~~another person for the purpose of evaluating~~ ^{evaluate} every 2 years, the grant program
10 established under this subsection section. ~~The office department of justice shall fund~~
11 ~~such contracts from moneys appropriated under s. 20.505 (6) (b) and (ke) (20.455 (2))~~
12 ~~(en) and (kv) with 1 percent of the amount awarded as grants under par. (b) (sub. (2))~~

13 (11) By December 31, 2011, the office department of justice, in collaboration
14 with the departments of corrections and health and family services, shall submit a
15 report to the chief clerk of each house of the legislature, for distribution to the
16 appropriate standing committees under s. 13.172 (3), regarding savings that have
17 been generated through the implementation of the grant program. The report shall
18 also include recommendations regarding how the grant program should be
19 structured in the future.

20 SECTION 25. 16.964 (14) of the statutes is renumbered 165.96, and 165.96
21 (intro.), as renumbered, is amended to read:

22 165.96 **Child advocacy grants.** (intro.) Beginning in fiscal year 2011-2012,
23 from the appropriation under s. 20.505 (6) (ke) 20.455 (2) (ke), the office department
24 of justice shall in each fiscal year provide \$17,000 to each of the following child

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1 advocacy centers for education, training, medical advice, and quality assurance
2 activities:

3 **SECTION 26.** 16.964 (15) of the statutes is renumbered 165.25 (17) and amended
4 to read:

5 165.25 (17) INTEROPERABILITY. (a) The ~~office~~ department of justice shall provide
6 staff support for the interoperability council under s. 16.9645 and oversight of the
7 development and operation of a statewide public safety interoperable
8 communication system.

9 (b) 1. The ~~office~~ department may charge a public safety agency, as defined in
10 s. 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety
11 interoperable communication system under par. (a).

12 2. The ~~office~~ department may charge a person that is not a state agency a fee
13 for use of the statewide public safety interoperable communication system under par.
14 (a).

15 **SECTION 27.** 16.964 (17) of the statutes is renumbered 301.073 and amended
16 to read:

17 **301.073 American Indian tribal community reintegration program.**

18 The ~~office~~ department shall establish a program to facilitate the reintegration of
19 American Indians who have been incarcerated in a state prison into their American
20 Indian tribal communities. Under the program, each participant shall be provided
21 an integration plan that addresses the participant's needs and shall be provided
22 services that are customized for the participant. The program shall encourage
23 confidence, responsibility, and independence among participants. The ~~office~~
24 department shall ensure that the program incorporates tribal practices and
25 traditions that meet the participant's community reintegration needs.

1 SECTION 28. 16.964 (18) of the statutes is repealed.

2 SECTION 29. 16.9645 (2) (d) of the statutes is amended to read:

3 16.9645 (2) (d) Assist the ~~office~~ department of justice assistance in identifying
4 and obtaining funding to implement a statewide public safety interoperable
5 communication system.

6 SECTION 30. 16.9645 (2) (e) of the statutes is amended to read:

7 16.9645 (2) (e) Advise the ~~office~~ department of justice assistance and the
8 department of military affairs on allocating funds, including those available for
9 homeland security, for the purpose of achieving the goals under par. (b).

10 SECTION 31. 16.9645 (2) (f) (intro.) of the statutes is amended to read:

11 16.9645 (2) (f) (intro.) Make recommendations to the ~~office~~ department of
12 justice assistance on all of the following:

13 SECTION 32. 20.410 (1) (gj) of the statutes is repealed.

14 SECTION 33. 20.455 (2) (gj) of the statutes is amended to read:

15 20.455 (2) (gj) *General operations; child pornography surcharge.* All moneys
16 received as ~~part B of~~ from any child pornography surcharge imposed under s. 973.042
17 for investigating offenses under s. 948.05 or 948.12 and for making grants under s.
18 165.93 (2) (a).

19 SECTION 34. 20.455 (2) (i) 8. of the statutes is amended to read:

20 20.455 (2) (i) 8. The amount transferred to ~~s. 20.505 (6) par.~~ (kj) shall be the
21 amount in the schedule under ~~s. 20.505 (6) par.~~ (kj).

22 SECTION 35. 20.455 (2) (i) 13. of the statutes is amended to read:

23 20.455 (2) (i) 13. The amount transferred to ~~s. 20.505 (6) (k)~~ 20.455 (2) (ky) shall
24 be the amount in the schedule under ~~s. 20.505 (6) (k)~~ 20.455 (2) (ky). *par.*

25 SECTION 36. 20.505 (1) (id) 2. of the statutes is amended to read:

1 20.505 (1) (id) 2. The amount transferred to ~~sub. (6) (ki)~~ s. 20.455 (2) (ki) shall
2 be the amount in the schedule under ~~sub. (6) (ki)~~ s. 20.455 (2) (ki).

3 **SECTION 37.** 20.505 (1) (id) 3. of the statutes is amended to read:

4 20.505 (1) (id) 3. The amount transferred to ~~sub. (6) (kb)~~ s. 20.455 (2) (kb) shall
5 be the amount in the schedule under ~~sub. (6) (kb)~~ s. 20.455 (2) (kb).

6 **SECTION 38.** 20.505 (1) (id) 4. of the statutes is amended to read:

7 20.505 (1) (id) 4. The amount transferred to ~~sub. (6) (ke)~~ s. 20.455 (2) (ke) shall
8 be the amount in the schedule under ~~sub. (6) (ke)~~ s. 20.455 (2) (ke).

9 **SECTION 39.** 20.505 (1) (id) 5. of the statutes is amended to read:

10 20.505 (1) (id) 5. The amount transferred to ~~sub. (6) (kn)~~ s. 20.455 (2) (kn) shall
11 be the amount in the schedule under ~~sub. (6) (kn)~~ s. 20.455 (2) (kn).

12 **SECTION 40.** 20.505 (1) (id) 5d. of the statutes is amended to read:

13 20.505 (1) (id) 5d. The amount transferred to ~~sub. (6) (ko)~~ s. 20.455 (2) (ko) shall
14 be the amount in the schedule under ~~sub. (6) (ko)~~ s. 20.455 (2) (ko).

15 **SECTION 41.** 20.505 (1) (kp) of the statutes is amended to read:

16 20.505 (1) (kp) *Interagency assistance; justice information systems.* The
17 amounts in the schedule for the development and operation of automated justice

18 information systems under s. 16.971 (9). All moneys transferred from the *no strike*

19 ~~appropriation account under sub. (6) (m)~~ shall be credited to this appropriation *no strike*

20 ~~account~~ *no strike*

s. 20.455 (2) (m)

21 **SECTION 42.** 20.505 (6) (title) of the statutes is repealed.

22 **SECTION 43.** 20.505 (6) (a) of the statutes is repealed.

23 **SECTION 44.** 20.505 (6) (b) of the statutes is renumbered 20.455 (2) (em) and
24 amended to read:

1 20.455 (2) (em) *Alternatives to prosecution and incarceration for persons who*
2 *use alcohol or other drugs; presentencing assessments.* The amounts in the schedule
3 for making grants to counties under s. ~~16.964 (12) (b)~~ 165.95 (2) and entering into
4 ~~contracts under s. 16.964 (12) (j)~~ 165.95 (10).

5 **SECTION 45.** 20.505 (6) (d) of the statutes is renumbered 20.455 (2) (cr) and
6 amended to read:

7 20.455 (2) (cr) *Youth diversion.* The amounts in the schedule for youth
8 diversion services under s. ~~16.964 (8) (a) and (c)~~ 165.987 (1) and (3).

9 **SECTION 46.** 20.505 (6) (gj) of the statutes is repealed.

10 **SECTION 47.** 20.505 (6) (h) of the statutes is renumbered 20.455 (2) (hm) and
11 amended to read:

12 20.455 (2) (hm) *Public safety interoperable communication system; general*
13 *usage fees.* The amounts in the schedule to operate a statewide public safety
14 interoperable communication system. All moneys received from users as fees under
15 s. ~~16.964 (15) (b) 2.~~ 165.25 (17) (b) 2. shall be credited to this appropriation account.

16 **SECTION 48.** 20.505 (6) (i) of the statutes is renumbered 20.455 (2) (gb) and
17 amended to read:

18 20.455 (2) (gb) *Gifts and grants.* All moneys received from gifts and grants,
19 other than moneys received for and credited to the appropriation accounts another
20 appropriation account under ~~para. (k) to (p)~~ this subsection, to carry out the purposes
21 for which made and received.

22 **SECTION 49.** 20.505 (6) (k) of the statutes is renumbered 20.455 (2) (ky) and
23 amended to read:

24 20.455 (2) (ky) *Law enforcement programs and youth diversion —*
25 *administration.* The amounts in the schedule for administering grants for law

1 enforcement assistance and for administering the youth diversion program under s.
2 ~~16.964 (8)~~ 165.987. All moneys transferred from the appropriation account under s.
3 ~~20.455 (2)~~ par. (i) 13. shall be credited to this appropriation account.
4 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
5 shall be transferred to the appropriation account under s. 20.455 (2) (i).

6 SECTION 50. 20.505 (6) (ka) of the statutes is renumbered 20.455 (2) (ka) and
7 amended to read:

8 20.455 (2) (ka) *Public safety interoperable communication system; state fees.*
9 The amounts in the schedule to operate a statewide public safety interoperable
10 communication system. All moneys received from public safety agencies that are
11 state agencies as fees under s. ~~16.964 (15) (b) 1.~~ 165.25 (17) (b) 1. shall be credited
12 to this appropriation account.

13 SECTION 51. 20.505 (6) (kb) of the statutes is renumbered 20.455 (2) (kb) and
14 amended to read:

15 20.455 (2) (kb) *Law enforcement officer supplement grants.* The amounts in the
16 schedule to provide grants for uniformed law enforcement officers under s. ~~16.964 (5)~~
17 165.986. All moneys transferred from the appropriation account under sub. (1) (id)
18 ~~3.~~ s. 20.505 (1) (id) 3. shall be credited to this appropriation account.

19 SECTION 52. 20.505 (6) (ke) of the statutes is renumbered 20.455 (2) (kea) and
20 amended to read:

21 20.455 (2) (kea) *Child advocacy centers.* The amounts in the schedule for grants
22 to child advocacy centers under s. ~~16.964 (14)~~ 165.96. All moneys transferred from
23 the appropriation account under sub. (1) (id) 4. s. 20.505 (1) (id) 4. shall be credited
24 to this appropriation account.

1 **SECTION 53.** 20.505 (6) (kf) of the statutes is renumbered 20.410 (1) (ke) and
2 amended to read:

3 20.410 (1) (ke) *American Indian reintegration program.* The amounts in the
4 schedule for the American Indian reintegration program under s. ~~16.964 (17)~~
5 301.073. All moneys transferred from the appropriation account under ~~sub. (8) (hm)~~
6 ~~23. s. 20.505 (8) (hm) 23.~~ shall be credited to this appropriation account.
7 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
8 shall revert to the appropriation account under ~~sub. (8) (hm)~~ s. 20.505 (8) (hm).

9 **SECTION 54.** 20.505 (6) (ki) of the statutes is renumbered 20.455 (2) (ki) and
10 amended to read:

11 20.455 (2) (ki) *Interoperable communications system.* The amounts in the
12 schedule to operate a statewide public safety interoperable communication system.
13 All moneys transferred from the appropriation account under ~~sub. (1) (id) 2. s. 20.505~~
14 (1) (id) 2. shall be credited to this appropriation account.

15 **SECTION 55.** 20.505 (6) (kj) of the statutes is renumbered 20.455 (2) (kj) and
16 amended to read:

17 20.455 (2) (kj) *Youth diversion program.* The amounts in the schedule for youth
18 diversion services under s. ~~16.964 (8) (a) and (e)~~ 165.987 (1) and (3). All moneys
19 transferred from the appropriation account under ~~s. 20.455 (2) (i) 8. par. (i) 8.~~ shall
20 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
21 unencumbered balance on June 30 of each year shall be transferred to the
22 appropriation account under ~~s. 20.455 (2) (i)~~ par. (i).

23 **SECTION 56.** 20.505 (6) (km) of the statutes is repealed.

24 **SECTION 57.** 20.505 (6) (kn) of the statutes is renumbered 20.455 (2) (kn) and
25 amended to read:

20.455 (2) (kn) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.* The amounts in the schedule for administering and making grants to counties under s. ~~16.964 (12) (b)~~ 165.95 (2). All moneys transferred from the appropriation account under ~~sub. (1) (id) 5.~~ s. 20.505 (1) (id) 5. shall be credited to this appropriation account.

SECTION 58. 20.505 (6) (ko) of the statutes is renumbered 20.455 (2) (ko) and amended to read:

20.455 (2) (ko) *Wisconsin ~~Justice Information Sharing Program~~ justice information sharing program.* The amounts in the schedule for the development and operation of a justice information system. All moneys transferred from the appropriation account under ~~sub. (1) (id) 5d.~~ s. 20.505 (1) (id) 5d. shall be credited to this appropriation account.

SECTION 59. 20.505 (6) (ku) of the statutes is renumbered 20.455 (2) (kv) and amended to read:

20.455 (2) (kv) *Grants for substance abuse treatment programs for criminal offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making grants to counties under s. ~~16.964 (12) (b)~~ 165.95 (2) and entering into ~~contracts under s. 16.964 (12) (j)~~ 165.95 (10).

SECTION 60. 20.505 (6) (m) of the statutes is repealed.

SECTION 61. 20.505 (6) (mb) of the statutes is renumbered 20.465 (3) (mb).

SECTION 62. 20.505 (6) (n) of the statutes is repealed.

SECTION 63. 20.505 (6) (p) of the statutes is repealed.

SECTION 64. 20.505 (8) (hm) 23. of the statutes is amended to read:

20.505 (8) (hm) 23. The amount transferred to ~~sub. (6) (kf)~~ s. 20.410 (1) (ke) shall be the amount in the schedule under ~~sub. (6) (kf)~~ s. 20.410 (1) (ke).

1 SECTION 65. 36.11 (22) (d) of the statutes is amended to read:

2 36.11 (22) (d) Annually, each institution shall report to the office of justice
3 assistance in the department of administration department of justice statistics on
4 sexual assaults and on sexual assaults by acquaintances of the victims that occurred
5 on each campus of the institution in the previous year. The office of justice assistance
6 department of justice shall include the statistics in appropriate crime reports
7 published by the office department.

8 SECTION 66. 38.14 (4) of the statutes is amended to read:

9 38.14 (4) GIFTS AND GRANTS. The district board may accept gifts, grants and
10 bequests to be used in the execution of its functions and may accept grants to provide
11 fiscal and management services for the office of justice assistance in the department
12 of administration or its subsidiaries or, if applicable, its successor agency.

13 SECTION 67. 46.56 (10) of the statutes is amended to read:

14 46.56 (10) RELATION TO OTHER SUPPORT PROGRAMS. In any county or for a tribe
15 that has a family support program under s. 46.985 or other support programs,
16 including comprehensive community services or office of justice assistance
17 department of justice or department of corrections programs, the initiative shall
18 coordinate its activities with the support programs.

19 SECTION 68. 165.845 (title) of the statutes is created to read:

20 165.845 (title) Collect crime data.

21 SECTION 69. 165.93 (2) (a) of the statutes is amended to read:

22 165.93 (2) (a) ~~Beginning on January 1, 1995, the~~ department shall provide
23 grants to eligible organizations from the appropriation under s. 20.455 (2) (gi) and
24 (5) (gc) to provide services for sexual assault victims. and (gj)

25 SECTION 70. 165.95 (title) of the statutes is created to read:

Insert 19.20 ✓

1 **165.95 (title) Alternatives to incarceration; grant program.**

2 **SECTION 71.** 165.986 (title) of the statutes is created to read:

3 **165.986 (title) Beat patrol officers; grant program.**

4 **SECTION 72.** 165.987 (title) of the statutes is created to read:

5 **165.987 (title) Youth diversion programs; grant program.**

6 **SECTION 73.** 301.26 (7) (b) 2. of the statutes is amended to read:

7 301.26 (7) (b) 2. Each county's proportion of the total Part I juvenile arrests
8 reported statewide under the uniform crime reporting system of the ~~office of justice~~
9 ~~assistance~~ department of justice during the most recent 3-year period for which that
10 information is available.

11 **SECTION 74.** 301.263 (3) of the statutes is amended to read:

12 301.263 (3) The department shall distribute 33% of the amounts distributed
13 under sub. (1) based on each county's proportion of the violent Part I juvenile arrests
14 reported statewide under the uniform crime reporting system of the ~~office of justice~~
15 ~~assistance in the department of administration~~ department of justice, during the
16 most recent 2-year period for which that information is available. The department
17 shall distribute 33% of the amounts distributed under sub. (1) based on each county's
18 proportion of the number of juveniles statewide who are placed in a juvenile
19 correctional facility or a secured residential care center for children and youth during
20 the most recent 2-year period for which that information is available. The
21 department shall distribute 34% of the amounts distributed under sub. (1) based on
22 each county's proportion of the total Part I juvenile arrests reported statewide under
23 the uniform crime reporting system of the ~~office of justice assistance~~ department of
24 justice, during the most recent 2-year period for which that information is available.

25 **SECTION 75.** 302.43 of the statutes is amended to read:

1 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
2 in the amount of one-fourth of his or her term for good behavior if sentenced to at
3 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
4 for time served prior to sentencing under s. 973.155, including good time under s.
5 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
6 or refuses to perform any duty lawfully required of him or her, may be deprived by
7 the sheriff of good time under this section, except that the sheriff shall not deprive
8 the inmate of more than 2 days good time for any one offense without the approval
9 of the court. An inmate who files an action or special proceeding, including a petition
10 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
11 the number of days of good time specified in the court order prepared under s. 807.15
12 (3). This section does not apply to a person who is confined in the county jail in
13 connection with his or her participation in a substance abuse treatment program
14 that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined by the
15 ~~office of justice assistance department of justice~~ under s. ~~16.964 (12) (j)~~ 165.95 (10).

16 **SECTION 76.** 961.41 (5) (c) 2. of the statutes is amended to read:

17 961.41 (5) (c) 2. All moneys in excess of \$850,000 and up to \$1,275,000 plus
18 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
19 surcharges under this subsection shall be credited to the appropriation account
20 under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv).

21 **SECTION 77.** 961.472 (5) (b) of the statutes is amended to read:

22 961.472 (5) (b) The person is participating in a substance abuse treatment
23 program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined
24 by the ~~office of justice assistance department of justice~~ under s. ~~16.964 (12) (i)~~ 165.95
25 (9) and (10).

1 **SECTION 78.** 967.11 (1) of the statutes is amended to read:

2 967.11 (1) In this section, "approved substance abuse treatment program"
3 means a substance abuse treatment program that meets the requirements of s.
4 ~~16.964 (12) (e)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department
5 of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

6 **SECTION 79.** 973.042 (3) of the statutes is repealed.

7 **SECTION 80.** 973.042 (5) of the statutes is amended to read:

8 973.042 (5) The secretary of administration shall credit ~~part A of the surcharge~~
9 ~~to the appropriation account under s. 20.410 (1) (g).~~ The secretary of administration
10 shall credit ~~part B of the surcharge~~ to the appropriation account under s. 20.455 (2) (5)
11 (g). ~~The secretary of administration shall credit part C of the surcharge to the~~
12 ~~appropriation account under s. 20.505 (6) (g).~~

13 **SECTION 81.** 973.043 (3) of the statutes is amended to read:

14 973.043 (3) All moneys collected from drug offender diversion surcharges shall
15 be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv) and
16 used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

17 **SECTION 82.** 973.155 (1m) of the statutes is amended to read:

18 973.155 (1m) A convicted offender shall be given credit toward the service of
19 his or her sentence for all days spent in custody as part of a substance abuse
20 treatment program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as
21 determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~
22 ~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that
23 led to the person's placement in that program.

24 **SECTION 9101. Nonstatutory provisions; Administration.**

25 (1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the office of justice assistance, except those that are primarily related
3 to administering federal homeland security moneys, or to reintegrating American
4 Indians who have been incarcerated, as determined by the department of
5 administration, shall become the assets and liabilities of the department of justice.

6 On the effective date of this paragraph, the assets and liabilities of the office of justice
7 assistance that are primarily related to administering federal homeland security
8 moneys shall become the assets and liabilities of the department of military affairs.

9 On the effective date of this paragraph, the assets and liabilities of the office of justice
10 assistance that are primarily related to the reintegration of American Indians who
11 have been incarcerated shall become the assets and liabilities of the department of
12 corrections. *as determined by the department of administration,*

13 (b) *Employee transfers.* On the effective date of this paragraph, the incumbents
14 holding those positions in the department of administration performing duties that
15 are primarily related to the office of justice assistance, ~~except the executive director~~

16 ~~of the office of justice assistance and any individual holding a senior position, and~~
17 except those positions performing duties that are primarily related to administering

18 federal homeland security moneys, or to reintegrating American Indians who have
19 been incarcerated, as determined by the department of administration, are
20 transferred to the department of justice. On the effective date of this paragraph, the

21 incumbents holding those positions that are primarily related to administering
22 federal homeland security moneys, as determined by the department of
23 administration, are transferred to the department of military affairs. On the

24 effective date of this paragraph, the incumbents holding those positions *that* are
25 primarily related to reintegrating American Indians who have been incarcerated, as

Insert 23.21

1 determined by the department of administration, are transferred to the department
2 of corrections.

3 (c) *Employee status.* Employees transferred under paragraph (b) shall have all
4 the rights and the same status under subchapter V of chapter 111 and chapter 230
5 of the statutes in the department of justice, the department of military affairs, or the
6 department of corrections, whichever is applicable, that they enjoyed in the office of
7 justice assistance immediately before the transfer. Notwithstanding section 230.28
8 (4) of the statutes, no employee so transferred who has attained permanent status
9 in class is required to serve a probationary period.

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the office of justice assistance,
12 except property that is primarily related to administering federal homeland security
13 moneys, or property that is primarily related to reintegrating American Indians who
14 have been incarcerated, as determined by the department of administration, shall
15 be transferred to the department of justice. On the effective date of this paragraph,
16 all tangible personal property, including records, of the office of justice assistance
17 that is primarily related to administering federal homeland security moneys, as
18 determined by the department of administration, shall be transferred to the
19 department of military affairs. On the effective date of this paragraph, all tangible
20 personal property, including records, of the office of justice assistance that is
21 primarily related to reintegrating American Indians who have been incarcerated, as
22 determined by the department of administration, shall be transferred to the
23 department of corrections.

24 (e) *Contracts.*

Insert 24 18

1 1. All contracts entered into by the office of justice assistance in effect on the
2 effective date of this subdivision, except contracts that are primarily related to
3 administering federal homeland security moneys, or are primarily related to
4 reintegrating American Indians who have been incarcerated, as determined by the
5 department of administration, remain in effect and are transferred to the
6 department of justice. The department of justice shall carry out any such contractual
7 obligations unless modified or rescinded by the department of justice to the extent
8 allowed under the contract.

9 2. All contracts entered into by the office of justice assistance in effect on the
10 effective date of this subdivision that are primarily related to administering federal
11 homeland security moneys, as determined by the department of administration,
12 remain in effect and are transferred to the department of military affairs. The
13 department of military affairs shall carry out any such contractual obligations
14 unless modified or rescinded by the department of military affairs to the extent
15 allowed under the contract.

16 3. All contracts entered into by the office of justice assistance in effect on the
17 effective date of this subdivision that are primarily related to reintegrating
18 American Indians who have been incarcerated, as determined by the department of
19 administration, remain in effect and are transferred to the department of
20 corrections. The department of corrections shall carry out any such contractual
21 obligations unless modified or rescinded by the department of corrections to the
22 extent allowed under the contract.

23 (f) *Pending matters.* Any matter pending with the office of justice assistance
24 on the effective date of this paragraph, except matters that are primarily related to
25 administering federal homeland security moneys, or to reintegrating American

1 Indians who have been incarcerated, as determined by the department of
2 administration, is transferred to the department of justice, and all materials
3 submitted to or actions taken by the office of justice assistance with respect to the
4 pending matter are considered as having been submitted to or taken by the
5 department of justice. Any matter pending with the office of justice assistance on the
6 effective date of this paragraph that is primarily related to administering federal
homeland security moneys, as determined by the department of administration, is
transferred to the department of military affairs, and all materials submitted to or
actions taken by the office of justice assistance with respect to the pending matter
are considered as having been submitted to or taken by the department of military
affairs. Any matter pending with the office of justice assistance on the effective date
of this paragraph that is primarily related to reintegrating American Indians who
have been incarcerated, as determined by the department of administration, is
transferred to the department of corrections, and all materials submitted to or
actions taken by the office of justice assistance with respect to the pending matter
are considered as having been submitted to or taken by the department of
corrections.

(g) *Rules and orders.*

1. All rules promulgated for the office of justice assistance, except rules that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, that are in effect on the effective date of this subdivision remain in effect until their specified expiration dates or until amended or repealed by the department of justice. All orders issued by the office of justice assistance, except orders that are primarily related to administering federal

1 homeland security moneys, or to reintegrating American Indians who have been
2 incarcerated, as determined by the department of administration, that are in effect
3 on the effective date of this subdivision remain in effect until their specified
4 expiration dates or until modified or rescinded by the department of justice.

5 2. All rules promulgated for the office of justice assistance that are primarily
6 related to administering federal homeland security moneys, as determined by the
7 department of administration, and that are in effect on the effective date of this
8 subdivision remain in effect until their specified expiration dates or until amended
9 or repealed by the department of military affairs. All orders issued by the office of
10 justice assistance that are primarily related to administering federal homeland
11 security moneys, as determined by the department of administration, and that are
12 in effect on the effective date of this subdivision remain in effect until their specified
13 expiration dates or until modified or rescinded by the department of military affairs.

14 3. All rules promulgated for the office of justice assistance that are primarily
15 related to reintegrating American Indians who have been incarcerated, as
16 determined by the department of administration, and that are in effect on the
17 effective date of this subdivision remain in effect until their specified expiration
18 dates or until amended or repealed by the department of corrections. All orders
19 issued by the office of justice assistance that are primarily related to reintegrating
20 American Indians who have been incarcerated, as determined by the department of
21 administration, and that are in effect on the effective date of this subdivision remain
22 in effect until their specified expiration dates or until modified or rescinded by the
23 department of corrections.

24 **SECTION 9126. Nonstatutory provisions; Justice.**

25 (1) YOUTH DIVERSION GRANT REDUCTIONS.

1 (a) Notwithstanding the amount specified under section 165.987 (1) of the
2 statutes, as affected by this act, the department of justice shall reduce the amount
3 of money allocated under section 165.987 (1) of the statutes, as affected by this act,
4 by \$85,900 in each of fiscal years 2013-14 and 2014-15.

5 (b) Notwithstanding the amount specified under section 165.987 (2) of the
6 statutes, as affected by this act, the department of justice shall reduce the amount
7 of money allocated under section 165.987 (2) of the statutes, as affected by this act,
8 by \$18,400 in each of fiscal years 2013-14 and 2014-15.

9 (c) Notwithstanding the amounts specified under section 165.987 (3) of the
10 statutes, as affected by this act, the department of justice shall reduce the amount
11 of money allocated for each of the 4 contracts that are funded with moneys from the
12 appropriation accounts under section 20.455 (2) (cr) and (kj) of the statutes, as
13 affected by this act, by \$25,650 in each of fiscal years 2013-14 and 2014-15 and shall
14 reduce the amount of money allocated for the contract that is funded only with
15 moneys from the appropriation account under section 20.455 (2) (kj) of the statutes,
16 as affected by this act, by \$18,100 in each of fiscal years 2013-14 and 2014-15.

17 **SECTION 9201. Fiscal changes; Administration.**

18 (1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

19 (a) The unencumbered balance in the appropriation account under section
20 20.505 (6) (gj), 2011 stats., is transferred to the appropriation account under section
21 20.455 (2) (gj) of the statutes. (5)

22 (b) The unencumbered balance in the appropriation account under section
23 20.505 (6) (km), 2011 stats., is transferred to the appropriation account under section
24 20.455 (2) (k) of the statutes.

1 (c) The unencumbered balance in the appropriation account under section
2 20.505 (6) (m), 2011 stats., is transferred to the appropriation accounts under section
3 20.455 (2) (m) and (5) (ma) of the statutes, as determined by the department of
4 administration.

5 (d) The unencumbered balance in the appropriation account under section
6 20.505 (6) (p), 2011 stats., is transferred to the appropriation accounts under section
7 20.455 (2) (n) and (5) (mh) of the statutes, as determined by the department of
8 administration.

9 **SECTION 9208. Fiscal changes; Correctional System.**

10 (1) CHILD PORNOGRAPHY SURCHARGE.

11 (a) The unencumbered balance in the appropriation account under section
12 20.410 (1) (gj), 2011 stats., is transferred to the appropriation account under section
13 20.455 (2) (g) of the statutes. (S)

14 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0839/P1ins
PJH:eev:rs

✓ INSERT ANALYSIS 1:

communications between law enforcement and other public safety agencies (interoperable communications),

✓ INSERT ANALYSIS 2:

reintegration into society of American Indians who have been incarcerated,

INSERT 3.2:

✓ SECTION 1. 15.255 (1) (a) 1. of the statutes is amended to read:

15.255 (1) (a) 1. ~~Six~~ ^{Seven} representatives of local law enforcement in this state at least one of whom shall be a sheriff and at least one of whom shall be a chief of police.

score comm

History: 1971 c. 40; 1977 c. 29; 1981 c. 9; 1983 a. 27; 1987 a. 27, 403; 1991 a. 316; 1997 a. 181.

INSERT 5.17:

✓ The department may conduct an audit to determine the accuracy of the data and other information it receives from law enforcement agencies and other criminal and juvenile justice system agencies. - plain period

score

INSERT 11.19:

✓ SECTION 2. 16.964 (12) (k) of the statutes is repealed.

INSERT 19.20:

✓ SECTION 3. 165.845 (1) (intro.) of the statutes is created to read:

165.845 (1) ^(intro.) The department of justice shall:

INSERT 23.7:

✓ , and not related to interoperable communications, as determined by the department of administration,

INSERT 23.21:

✓ and not related to interoperable communications,

INSERT 24.18:

✓ and not related to interoperable communications,

INSERT 25.11:

✓ and not related to interoperable communications,

INSERT 26.7:

✓ and not related to interoperable communications,

INSERT 27.6:

✓ and not related to interoperable communications,

INSERT 27.11:

✓ and not related to interoperable communications,